

STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

DIVISION OF STATE COUNSEL  
LITIGATION BUREAU

MEMO ENDORSED

Writer's Direct Dial:  
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December 15, 2009

Via Facsimile Transmission

Hon. Frank Maas  
United States Magistrate Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

Application granted. Ms. Combier's  
opposition papers will be due 2/12/10,  
and any reply papers will be  
due 2/26/10.

Maas, USMJ, 12/16/09.

Re: Combier v. State of New York et al.  
S.D.N.Y. Case No. 09 Cv. 5314

Dear Judge Maas:

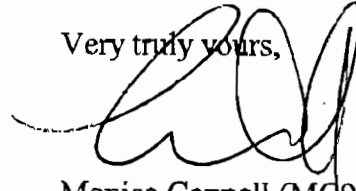
This Office represents the State of New York; former Governor Eliot Spitzer; the Supreme Court of the State of New York, Appellate Division, First Department; the State Court judges sued herein; and State Court personnel (collectively "State Defendants") sued in the above-referenced action. In addition, we are filing a Notice of Appearance on behalf of a new State Defendant added in plaintiff's Second Amended Complaint, Dorothy Henderson. By orders dated August 28, 2009 and September 15, 2009, the Hon. Richard J. Holwell referred this case to Your Honor for general pre-trial purposes as well as for a report and recommendation on dispositive motions. State Defendants now write and ask that the time for all defendants to serve and file their answers or motions to dismiss be extended until January 8, 2010.

Currently, responses to the Second Amended Complaint are due on December 22, 2009. This is State Defendants' first request for an extension of this date. On December 14, 2009, I contacted plaintiff pro se Elizabeth Combier to ask her to consent to this request but she has not yet responded. This request is necessary to permit State Defendants, as well as some of the other defendants who join in this request, to properly respond to plaintiff's Second Amended Complaint. The body of plaintiff's second Amended Complaint is more than forty-five pages long and the whole pleading, including exhibits, is in excess of 100 pages. There are numerous claims asserted against the twenty-seven defendants and unfortunately more time is required for State Defendants to adequately assert defenses in light of plaintiff's lengthy pleading. In

addition, by letter dated December 3, 2009, plaintiff was informed by Jeffrey Sheetz, Esq. that some pages were missing from the exhibits annexed to the Second Amended Complaint but thusfar plaintiff has not remedied these deficiencies.

For these reasons, State Defendants respectfully request that this Court grant State Defendants' request to extend the deadline to file motions to dismiss until January 8, 2010.

Very truly yours,



Monica Connell (MC9841)  
Assistant Attorney General

cc: Elizabeth Combier, Plaintiff Pro Se (*Via Mail and E-Mail*)  
Kenneth T. Wasserman, Esq. (*Via Mail and E-Mail*)  
Jeffery H. Sheetz, Esq. (*Via Mail and E-Mail*)  
Eli Uncyk, Esq. (*Via Mail and E-Mail*)  
Carl J. Schaerf, Esq. (*Via Mail and E-Mail*)  
Francisca A. Sabadie (*Via Mail*)  
Ms. Julia Danger (*Via Mail*)